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In re Application of
NAGULESWARAN et al.
Application No.: 10/510,473 (10/525,250)
PCT No.: PCT/AU03/00740
Int. Filing Date: 13 June 2003
Priority Date: 14 June 2002
Attorney Docket No.: 3127-14 (06821.0019)
For: METHOD AND RECEIVER FOR PROCESSING
A MULTI-USER SIGNAL

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DECISION on
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MERGING APPLICATION FILES
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The above-identified application is before the PCT Legal Office for matters arising under 35 U.S.C. 371.

BACKGROUND

On 13 June 2003, applicant filed international application No. PCT/AU03/00740, which claimed priority of an earlier international application filed 14 June 2002 and designating the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 December 2003. On 04 December 2003, a Demand was filed. The deadline for entering the U.S. national stage is 30 months or as of midnight on 14 December 2004.

On 22 October 2004, applicant filed, through the law firm of Nixon & Vanderhye, a transmittal letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying PCT/AU03/00740, was assigned U.S. application number: 10/510,473.

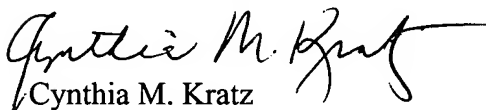
On 22 February 2005, applicant, through the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, filed another Transmittal Letter referencing PCT/AU03/00740 and requesting entry into the national stage in the United States. The communication was accompanied by, *inter alia*, a copy of the international application PCT/AU03/00740 and authorization to charge fees to applicant's deposit account. These papers were assigned U.S. application number 10/525,250.

DISCUSSION

As is evident from the above recited facts, applicant submitted papers to enter the national stage for the same international application on 07 October 2004 and 22 February 2005. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, assigning a second U.S. application number arising from PCT/AU03/00740 was improper.

CONCLUSION

The applications are being held in the Office of PCT Legal Administration, PCT Legal Office to await the filing of an oath or declaration, in compliance with 37 CFR 1.497(a) & (b), executed by the inventors.



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